



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/077,407	02/15/2002	Jay Jayapalan	CE08888R	3259

23418 7590 03/22/2005

VEDDER PRICE KAUFMAN & KAMMHOLZ
222 N. LASALLE STREET
CHICAGO, IL 60601

EXAMINER

BHATIA, AJAY M

ART UNIT	PAPER NUMBER
----------	--------------

2145

DATE MAILED: 03/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<p align="center">Office Action Summary</p>	<p>Application No.</p> <p align="center">10/077,407</p>	<p>Applicant(s)</p> <p align="center">JAYAPALAN ET AL.</p>	
	<p>Examiner</p> <p align="center">Ajay M Bhatia</p>	<p>Art Unit</p> <p align="center">2145</p>	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/27/03</u> . | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Lioy (U.S. Patent 6,775,553).
2. For claim 1, Lioy teaches, in a communication system comprising at least two peers that communicate with each other across an intermediate network comprising at least one infrastructure element, a method for an infrastructure element of the at least one infrastructure element to establish communications between two peers of the at least two peers, the method comprising:
 - monitoring at least a portion of messages exchanged between the two peers for control messages;
 - storing at least some parameters corresponding to the control messages exchanged between the two peers to provide stored parameters;
 - detecting occurrence of retransmission of a control message from one of the two peers, wherein the retransmission of the control message will lead to duplicate negotiations between the two peers; and

processing the retransmission of the control message based on the stored parameters such that the duplicate negotiations are avoided. (see Liroy, Col. 5 line 62 to Col. 6 line 30)

3. For claim 2, Liroy teaches, the method of claim 1, wherein the control messages comprise point-to-point protocol control messages. (see Liroy, Col. 5 line 62 to Col. 6 line 30, IPCP is a PPP)

4. For claim 3, Liroy teaches, the method of claim 1, wherein the communication system comprises a wireless communication system, the at least two peers comprising at least one wireless communication unit in communication with at least one interworking unit via the intermediate network, and wherein the control message is sent from a wireless communication unit of the at least one wireless communication unit. (see Liroy, Col. 5 line 62 to Col. 6 line 30, Figure 1)

5. For claim 4, Liroy teaches, the method of claim 1, wherein the communication system comprises a wireless communication system, the at least two peers comprising at least one wireless communication unit in communication with at least one interworking unit via the intermediate network, and wherein the control message is sent from an interworking unit of the at least one interworking unit. (see Liroy, Col. 5 line 62 to Col. 6 line 30, Figure 1)

6. For claim 5, Liroy teaches, the method of claim 1, wherein processing of the retransmission of the control message further comprises discarding the retransmission of the control message. (see Liroy, Col. 5 line 62 to Col. 6 line 30, Figure 3A)

7. For claim 6, Liroy teaches, the method of claim 1, wherein processing of the retransmission of the control message further comprises acknowledging the retransmission of the control message. (see Liroy, Col. 5 line 62 to Col. 6 line 30, Col. 6 lines 37-52, Figure 3A)

8. For claim 7, Liroy teaches, the method claim 1, further comprising, prior to detecting the retransmission of the control message:

detecting transmission of data by each of the two peers; and

discarding the stored parameters in response to detecting the transmission of data by each of the two peers. (see Liroy, Col. 5 line 62 to Col. 6 line 30, Figure 1)

9. For claim 8, Liroy teaches, a machine-readable medium having stored thereon machine-executable instructions for carrying out the method of claim 1. (see Liroy, Col. 5 lines 38-54)

10. For claim 9. In a communication system comprising at least two peers that communicate with each other across an intermediate network comprising at least one infrastructure element, a method for an infrastructure element of the at least one

infrastructure element to establish communications between a first peer and a second peer of the at least two peers, the method comprising:

- receiving, from the first peer, a request control message targeted to the second peer;

- storing parameters from the request control message to provide stored request control message parameters;

- forwarding the request control message to the second peer;

- receiving, from the first peer, a retransmission of the request control message targeted to the second peer; and

- processing the retransmission of the request control message based on the stored request control message parameters. (see Lioy, Col. 5 line 62 to Col. 6 line 30, Figure 1)

11. For claim 10, Lioy teaches, the method of claim 9, wherein the request control message and the retransmission of the request control message comprise point-to-point protocol control messages. (see Lioy, Col. 5 line 62 to Col. 6 line 30, Figure 1, IPCP is a PPP)

12. For claim 11, Lioy teaches, the method of claim 9, wherein processing of the retransmission of the control message further comprises discarding the retransmission of the control message. (see Lioy, Col. 5 line 62 to Col. 6 line 30, Figure 3A)

13. For claim 12, Lioy teaches, the method of claim 9, wherein processing of the retransmission of the control message further comprises acknowledging the retransmission of the control message. (see Lioy, Col. 5 line 62 to Col. 6 line 30, Col. 6 lines 37-52, Figure 3A)

14. For claim 13, Lioy teaches, the method of claim 9, further comprising, prior to receiving the retransmission of the first request control message:

detecting transmission of data by each of the first peer and the second peer; and
discarding the stored request control message parameters in response to
detecting the transmission of data by the first peer and the second peer. (see Lioy, Col. 5 line 62 to Col. 6 line 30, Figure 1)

15. For claim 14, Lioy teaches, a machine-readable medium having stored thereon machine-executable instructions for carrying out the method of claim 9. (see Lioy, Col. 5 lines 38-54)

16. For claim 15, Lioy teaches, an apparatus for use in an intermediate network forming a part of a communication system, the communication system comprising at least two peers that communicate with each other across the intermediate network, the apparatus comprising:

at least one processor; and

at least one storage device, coupled to the at least one processor, having stored thereon instructions that, when executed by the at least one processor, cause the at least one processor to:

monitor at least a portion of messages exchanged between two peers of the at least two peers for control messages;

store, in the at least one storage device, at least some parameters corresponding to the control messages exchanged between the two peers to provide stored parameters;

detect occurrence of retransmission of a control message from one of the two peers, wherein the retransmission of the control message will lead to duplicate negotiations between the two peers; and

process the retransmission of the control message based on the stored parameters such that the duplicate negotiations are avoided. (see Liroy, Col. 5 line 62 to Col. 6 line 30, Figure 1)

17. For claim 16, Liroy teaches, the apparatus of claim 15, wherein the control messages comprise point-to-point protocol control messages. (see Liroy, Col. 5 line 62 to Col. 6 line 30, Figure 1, IPCP is a PPP)

18. For claim 17, Liroy teaches, the apparatus of claim 15, wherein the at least one storage device further comprises instructions that, when executed by the at least one processor, cause the at least one processor to:

process the retransmission of the control message by discarding the retransmission of the control message. (see Lioy, Col. 5 line 62 to Col. 6 line 30, Figure 3A)

19. For claim 18, Lioy teaches, the apparatus of claim 15, wherein the at least one storage device further comprises instructions that, when executed by the at least one processor, cause the at least one processor to:

process the retransmission of the control message by acknowledging the retransmission of the control message. (see Lioy, Col. 5 line 62 to Col. 6 line 30, Col. 6 lines 37-52, Figure 3A)

20. For claim 19, Lioy teaches, a base station controller embodying the apparatus of claim 15. (see Lioy, Col. 5 line 62 to Col. 6 line 30, Figure 1, object 106)

21. For claim 20, Lioy teaches, a mobile switching center embodying the apparatus of claim 15. (see Lioy, Col. 5 line 62 to Col. 6 line 30, Figure 1, object 104)

Conclusion

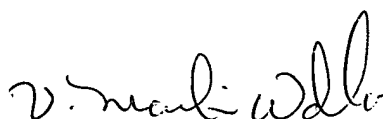
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ajay M Bhatia whose telephone number is (571)-272-3906. The examiner can normally be reached on M-F 8:30 am - 5:00 pm.

Art Unit: 2145

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia M Wallace can be reached on (571)-272-6159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AB



VALENCIA MARTIN-WALLACE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700